

**REMARKS**

In the Office Action, claims 1-43 were rejected. By the present Response, claim 22 is amended and claim 28 is canceled. Upon entry of the amendments, claims 1-14, 16-27 and 29-43 will remain pending in the present patent application Reconsideration and allowance of all pending claims are requested.

Claim 22 has been amended merely to include recitations of claim 28, which has been canceled. The amendment is intended to place the application in better condition for appeal or allowance. Accordingly, Applicants kindly request that it be entered.

**Rejections Under 35 U.S.C. § 103**

The Office Action summarizes claims 1-7, 14-20, 22-28 and 35-43 as rejected under 35 U.S.C. §103(a) as being unpatentable over Melink (U.S. Patent No. 6,170,480, hereinafter "Melink") in view of Bowen (U.S. Patent No. 4,146,016, hereinafter "Bowen") further in view of Morton (U.S. Patent No. 6,349,716, hereinafter "Morton"). Rejected claims 1, 14, 22 and 35 are independent and will be discussed in detail below.

Further, claims 8, 9, 11-13, 21, 29, 30 and 32-34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Melink in view Bowen, further in view of Morton and further in view of Wang et al. (U.S. Patent No. 5,236,595, hereinafter "Wang").

Independent claims 1, 14, 22 and 35 and the claims depending therefrom are believed to be patentable for the reasons summarized below.

**Melink, Bowen and Morton even in combination do not teach control of an air flow control device based upon a sensed chemical composition.**

**Independent Claims 1 and 14**

Claim 1 recites a kitchen ventilation system comprising a sensor for detecting a chemical composition over an active zone of a cooktop and an air moving device for displacing air including the chemical composition. The kitchen ventilation system comprises an air flow direction control device for directing air displaced by the air moving device between exhaust and recirculation flow paths and control circuitry coupled to the sensor, to the air moving device and to the air flow direction control device for regulating operation of the air moving device and a position of the air flow direction control device based upon signals from the sensor.

Claim 14 recites a method for ventilating air over an active side of a cooktop comprising detecting a chemical composition over a cooktop on which cooking is performed through a sensor and controlling an air moving device for displacing air from the cooktop and an air flow direction control device for directing air displaced by the air moving device between exhaust and recirculation flow paths based upon the sensed chemical composition over the cooktop.

Applicants thus submit that independent claims 1 and 14 recite, in generally similar language, detecting a chemical composition over an active zone of a cooktop and controlling the operation of an air moving device and air flow direction control device based upon the sensed chemical composition over the cooktop. According to the Specification, the sensed chemical composition might include cooking fumes, vapors, smoke and combustion byproducts that are being generated as a result of cooking activities of a user of the cooking apparatus combinations thereof. *See* Application, Paragraph 37.

The Examiner argued that Melink discloses a sensor for detecting smoke and combustion products, an air moving device and control circuitry coupled to the sensor and the air moving device for regulating operation of the air moving device. The Examiner admitted that Melink does not discuss operating in either recirculation or exhaust mode utilizing an air flow direction control device connected to a controller. The Examiner relied upon Bowen to teach an adjustable damper that is movable between an exhaust and a recirculation position. However, the Examiner admitted that Bowen does not suggest that the damper is automatically controlled, and relied upon Morton to teach an air flow direction control device for directing the air between exhaust and recirculation pathways based upon signals from a temperature sensor.

Applicants submit that the cited references, taken alone or in hypothetical combination, fail to teach or suggest control of the air flow direction control device based upon a sensed chemical composition over the cooktop, as recited by independent claims 1, and 14. Melink teaches a kitchen exhaust system that is adapted to exhaust air at a plurality of volume rates to improve the comfort, health and safety conditions in a kitchen. Melink fails to disclose an air flow direction control device for directing air displaced by the air moving device between exhaust and recirculation flow paths and control of such air flow direction control device *based upon the sensed chemical composition over the cooktop*.

Bowen teaches a kitchen stove hood having two venting modes of operation through an adjustable damper. However, Bowen fails to teach automatic control of the damper based upon a sensed chemical composition over the cooktop. Morton teaches a multi-position damper located within a hood structure of a kitchen ventilator and control of energization of a damper based upon a sensed temperature of the hood structure. Applicants submit that Morton does not teach control of an air moving device and an air flow direction control device based upon a sensed chemical composition.

In view of these deficiencies, among others, the cited references, taken alone or in hypothetical combination, cannot render obvious the current independent claims 1 and 14 and their dependent claims.

**Rebuttal to Examiners response to arguments**

In response to arguments advanced by Applicants in previous filings, the Examiner argued that Morton teaches a temperature sensor that is positioned inside of the hood and serves to monitor the temperature within the hood, which obviously includes the temperature of the exhaust products flowing past the sensor.

However, Applicants are *not* attempting to claim control of the air flow direction control device based upon the sensed temperature. Rather, as recited in Applicant's claims 1 and 14, the control of the air moving device and the air flow direction control device is based upon a sensed chemical composition over the cooktop.

Absent any teaching of the recitations of claim 1 and 14 regarding control of the air flow direction control device based upon a sensed chemical composition, the cited references, taken alone or in hypothetical combination, cannot render obvious the current independent claims 1 and 14 and their dependent claims. Therefore, Applicants submit that independent claims 1 and 14 are allowable and respectfully request the Examiner to reconsider and withdraw the rejections of these claims.

**Independent Claim 22**

Amended independent claim 22 recites a kitchen ventilation system comprising a sensor for detecting an operating parameter of a cooktop and an air moving device for displacing air from the cooktop. The kitchen ventilation system comprises an air flow direction control device for directing air displaced by the air moving device between exhaust and recirculation flow paths, and control circuitry coupled to the sensor, to the air moving device and to the air flow direction control device for regulating operation of the

air moving device and a position of the air flow direction control device based upon signals from the sensor. Operation of the control circuitry is configurable based upon site-specific factors of a site in which the ventilation system is installed *and the site-specific factors include at least one of hood width, site dimensions, installation location, height above the cooktop and type of fuel.*

As noted above, independent claim 22 recites that the control circuitry is configurable based upon site-specific factors of a site in which the ventilation system is installed. The Examiner argued that Melink discloses that the controller is configurable by the user, which is read as meeting the claimed configurability based on installation location.

Applicants submit that Melink teaches an interface that may include input switches to input control data or select from menu options. However, Melink does not teach control of the operation of the air moving device and a position of the air flow direction control device based upon site-specific factors such as a hood width, site dimensions, installation location, height above the cooktop and type of fuel through the control circuitry.

Therefore, Applicants submit that independent claim 22 and its dependent claims are allowable and respectfully request the Examiner to reconsider and withdraw the rejections of these claims.

**Melink does not teach regulating operation of the air flow control device to reduce acoustic noise.**

**Independent Claim 35**

Independent claim 35 recites a kitchen ventilation system comprising a sensor for detecting an operating parameter of a cooktop, an air displacement system including an air moving device for displacing air from the cooktop, and an air flow direction control

device for directing air displaced by the air moving device between exhaust and recirculation flow paths and control circuitry coupled to the sensor and to the air displacement system for regulating operation of the air displacement system based upon signals from the sensor and upon characteristics of the air displacement system to reduce acoustic noise of the ventilation system during operation.

The Examiner argued that the Melink apparatus has the claimed structure and is disclosed as reducing acoustic noise by varying the fan speed. Applicants submit that Melink does not teach regulating operation of the *air displacement system* based upon signals from the sensor and upon characteristics of the air displacement system to reduce the acoustic noise of the ventilation system.

As noted above, Melink does not teach operating in either recirculation or exhaust mode utilizing an *air flow direction control device* connected to a controller. Further, Melink does not teach control of such *air flow direction control device* for reducing acoustic noise based upon signals from the sensor and characteristics of such device. Rather, Melink discloses increasing or decreasing a volume rate of exhaust to avoid sudden cycling of the motor and/or unsettling variations in noise or air flow.

Therefore, Applicants submit that independent claim 35 and its dependent claims are allowable and respectfully request the Examiner to reconsider rejection of the claim.

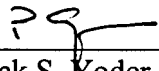
Claims 2-13, 16-21, 23-27, 29-34 and 36-43 depend from independent claims 1, 14, 22 and 35 respectively. Applicants respectfully submit that inasmuch as independent claims 1, 14, 22 and 35 are allowable, these claims are allowable at least by virtue of their dependence from an allowable base claim.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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